

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

REGINALD W. DAVIS,	)	
	)	Case No. 3:17-CV-232
<i>Plaintiff,</i>	)	
	)	Judge Travis R. McDonough
v.	)	
	)	Magistrate Judge Debra C. Poplin
TONY PARKER, CHRIS BRUN,	)	
SHAWN PHILLIPS, GARY HAMBY,	)	
STANTON D. HEIDLE, II, and	)	
MATT ENGLE,	)	
	)	
<i>Defendants.</i>	)	

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**MEMORANDUM OPINION**

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Before the Court is Plaintiff’s *pro se* motion for voluntary dismissal [Doc. 27]. Plaintiff seeks to dismiss his claims against Defendants due to: 1) the financial burden of litigation; and 2) his “lack of legal expertise,” which Plaintiff believes has affected the prosecution of his claims [*Id.*]. However, because most Defendants filed a responsive pleading to Plaintiff’s complaint, on June 8, 2018, the Court ordered Defendants to file a notice indicating whether they opposed Plaintiff’s motion for voluntary dismissal [Doc. 28]. On June 11, 2018, Defendants Brun, Engle, Hamby, Heidle, Parker, and Phillips filed a notice stating they did not oppose Plaintiff’s motion for voluntary dismissal [Doc. 29].

Under Federal Rule of Civil Procedure 41(a)(2), the Court is authorized to order dismissal “on terms the Court considers proper.” Fed. R. Civ. P. 41(a)(2); *see McCord v Bd. of Educ. of Fleming Cty., Ky.*, No. 17–55448, 2018 WL 1724560, at \*5 (6th Cir. Jan. 30, 2018).

The purpose of requiring the Court to approve the dismissal of the plaintiff’s claims is to “protect

the nonmovant from unfair treatment.” *Grover by Grover v. Eli Lilly & Co.*, 33 F.3d 716, 718 (6th Cir. 1994). “Whether dismissal should be granted under the authority of Rule 41(a)(2) is within the sound discretion of the district court.” *Id.*

In the present case, Defendants have responded indicating that they do not oppose the motion for voluntary dismissal [Doc. 29]. Accordingly, the Court will **GRANT** Plaintiff’s motion for voluntary dismissal [Doc. 27]. This case is hereby **DISMISSED WITHOUT PREJUDICE**. Therefore, the motion to dismiss filed by Defendants Engle, Hamby, Heidle, and Parker [Doc. 23], and the motion for an extension of time to file an answer filed by Defendant Brun [Doc. 25], will be **DENIED AS MOOT**.

**AN APPROPRIATE JUDGMENT WILL ENTER.**

/s/ Travis R. McDonough

**TRAVIS R. MCDONOUGH**

**UNITED STATES DISTRICT JUDGE**